

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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JOE OAKLEY, et al.,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	Civil No. <u>06-2276-D/P</u>
	)	
CITY OF MEMPHIS,	)	
	)	
Defendant.	)	
	)	

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REPORT AND RECOMMENDATION

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Before the court is the order of reference entered on January 7, 2011, in which the district judge referred the issue of computation of back pay to the magistrate judge for a report and recommendation. Pursuant to the order of reference, the court held status conferences with the parties to discuss the back pay issues. On April 18, 2011, the parties informed the court that they had resolved all issues relating to back pay and would submit a proposed order and spreadsheet with back pay amounts for the court's review. On April 20, 2011, the court received the proposed order and back pay spreadsheet.

Based on the entire record, it is recommended that the court adopt and enter the parties' proposed order with back pay spreadsheet attached to this report and recommendation. It is

further noted that both parties have stated that they will not file any objections to this report and recommendation.

Respectfully submitted,

s/ Tu M. Pham  
TU M. PHAM  
United States Magistrate Judge

April 25, 2011  
Date

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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JOE OAKLEY, ET AL.	)	
	)	
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Plaintiffs,	)	
	)	
v.	)	Civil No. 06-2276-D/P
	)	
CITY OF MEMPHIS,	)	
	)	
Defendant.	)	

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ORDER AWARDING CERTAIN PLAINTIFFS BACK PAY PURSUANT TO ORDER ON  
REMEDIES AND GRANTING IN PART AND DENYING IN PART PLAINTIFFS'  
MOTION FOR ATTORNEY FEES AND COSTS

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This matter came on to be heard before the Court upon the Court's Order On Remedies And Granting In Part And Denying In Part Plaintiffs' Motion For Attorney Fees And Costs (D.E. 100, the "Remedies Order"), upon the Reference of the back pay issues unresolved by the Remedies Order to the Magistrate Judge (D.E. 119), upon the statements of counsel for Plaintiffs and Defendants adduced in open court, upon the back pay calculations introduced by the parties at the hearing before the Magistrate Judge (the "Back Pay Spreadsheet"), and upon the entire record herein. The Court has carefully reviewed the Back Pay Spreadsheet as amended in one non-material instance, and concludes as follows:

1. The court adopts the Back Pay Spreadsheet, as amended, as its finding of fact as to the liability of Defendant to Plaintiffs

for back pay, attaches such amended Spreadsheet as Exhibit 1 hereto and incorporates such Spreadsheet herein by reference.

2. Defendant shall pay those Plaintiffs due back pay relief pursuant to the Remedies Order in accordance with Exhibit 1, with additional interest at the annual rate of 4.2% from the date of Exhibit 1 until paid.

3. All parties retain their rights to move to rehear or appeal any issue in this case until the entry of a final judgment pursuant to Fed. R. Civ. Pro. 54 (a).

**IT IS SO ORDERED**, this \_\_\_\_\_ day of April, 2011.

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**BERNICE BOUIE DONALD**  
**UNITED STATES DISTRICT JUDGE**

**APPROVED:**

Adams and Reese, LLP  
Attorneys for Plaintiffs

By: /s/Henry C. Shelton, III

/s/ J. Michael Fletcher  
Attorney for Defendant

Ford and Harrison PLC  
Attorneys for Defendant

By: /s/ Robert D. Meyers

Oakley et al. vs. City of Memphis

## Officer Back Pay Calculations

Name of Plaintiffs	Date Promoted to Major	Total Diff Major/Lieutenant Earnings										Grand Total After Promo Simple Interest to Date
		2005-2010	College Diff 2005-2010	Holiday Diff 2005-2010	Shift Diff Pay 2005-2010	Subtotal	4.2% Interest Per Annum	Total	Less Out of Class Pay 2005-2010	Less OT 2005-2010	Grand Total	
Barnes, Douglas	04/08/2008	\$ 21,311.88	\$ -	\$ 692.56	\$ 217.50	\$ 22,221.94	\$ 1,577.91	\$ 23,799.85	\$ -	\$ 6,041.04	\$ 17,758.81	\$ 22,890.53
Blum, Gerald	04/08/2008	\$ 21,311.88	\$ 1,036.24	\$ 1,363.92	\$ -	\$ 23,712.05	\$ 1,689.67	\$ 25,401.72	\$ -	\$ 10,109.91	\$ 15,291.81	\$ 19,710.66
Casad, John C.	04/08/2008	\$ 21,311.88	\$ -	\$ 698.30	\$ 217.50	\$ 22,227.68	\$ 1,578.21	\$ 23,805.89	\$ -	\$ 6,333.51	\$ 17,472.38	\$ 22,521.34
Clark, Michael J.	04/08/2008	\$ 21,311.88	\$ -	\$ 689.74	\$ -	\$ 22,001.62	\$ 1,564.71	\$ 23,566.33	\$ -	\$ 125,459.06	\$ (101,892.73)	\$ (131,336.49)
Cook, Sr., Timothy E.	04/08/2008	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Houston, III, Russelle G.	04/08/2008	\$ 21,311.88	\$ 1,554.41	\$ 1,720.12	\$ -	\$ 24,586.41	\$ 1,752.54	\$ 26,338.95	\$ 2,275.22	\$ 29,586.68	\$ (5,522.95)	\$ (7,118.90)
Landrum, Terry	04/08/2008	\$ 21,311.88	\$ 1,554.41	\$ 1,711.26	\$ 65.00	\$ 24,642.55	\$ 1,753.33	\$ 26,395.88	\$ -	\$ 58,338.32	\$ (31,942.44)	\$ (41,172.78)
Lowe, Susan K.	04/08/2008	\$ 21,311.88	\$ 1,036.24	\$ 1,352.67	\$ -	\$ 23,700.80	\$ 1,688.90	\$ 25,389.69	\$ -	\$ 0.01	\$ 25,389.68	\$ 32,726.49
Mansel, Kim C.	04/08/2008	\$ 21,311.88	\$ 1,554.41	\$ 1,720.18	\$ 217.50	\$ 24,803.97	\$ 1,765.88	\$ 26,569.85	\$ -	\$ 11,839.94	\$ 14,729.91	\$ 18,986.39
Newsom, Mary F.	04/08/2008	\$ 21,311.88	\$ 1,036.24	\$ 1,354.52	\$ -	\$ 23,702.65	\$ 1,688.83	\$ 25,391.48	\$ 933.43	\$ 20,457.87	\$ 4,000.18	\$ 5,156.10
Oakley, Joe	04/08/2008	\$ 21,311.88	\$ 1,554.41	\$ 1,707.93	\$ 65.00	\$ 24,639.22	\$ 1,753.07	\$ 26,392.29	\$ -	\$ 63,967.17	\$ (37,574.88)	\$ (48,432.83)
Oliver, Randy B.	04/08/2008	\$ 21,311.88	\$ 1,130.23	\$ 1,506.36	\$ 217.50	\$ 24,165.96	\$ 1,710.58	\$ 25,876.54	\$ -	\$ 4,595.46	\$ 21,281.08	\$ 27,430.64
Pevy, Gene	04/08/2008	\$ 21,311.88	\$ 1,383.84	\$ 1,705.91	\$ -	\$ 24,401.63	\$ 1,733.98	\$ 26,135.61	\$ -	\$ 2,125.21	\$ 24,010.40	\$ 30,948.64
Phillips, Kurt	04/08/2008	\$ 21,311.88	\$ 922.52	\$ 1,357.34	\$ 217.50	\$ 23,809.24	\$ 1,689.83	\$ 25,499.07	\$ -	\$ 6,364.49	\$ 19,134.58	\$ 24,663.87
Polk, Jeffrey B.	04/08/2008	\$ 21,311.88	\$ 1,036.24	\$ 1,355.18	\$ 130.00	\$ 23,833.30	\$ 1,693.04	\$ 25,526.34	\$ 1,322.38	\$ 39,509.65	\$ (15,305.69)	\$ (19,728.54)
Starnes, Howell	04/08/2008	\$ 21,311.88	\$ 1,036.24	\$ 1,360.37	\$ 152.50	\$ 23,860.99	\$ 1,701.78	\$ 25,562.77	\$ -	\$ 74,135.90	\$ (48,573.13)	\$ (62,609.22)
Dye, Cornell	11/05/2008	\$ 26,093.09	\$ 1,591.58	\$ 1,670.75	\$ -	\$ 29,355.42	\$ 2,501.02	\$ 31,856.44	\$ -	\$ 61,930.77	\$ (30,074.33)	\$ (38,053.91)
Grisham, Stephen	11/05/2008	\$ 26,093.09	\$ 1,591.58	\$ 1,692.29	\$ 217.50	\$ 29,594.46	\$ 2,520.71	\$ 32,115.17	\$ -	\$ 37,947.58	\$ (5,832.41)	\$ (7,379.92)
Sheffield, Darrell L.	11/05/2008	\$ 26,093.09	\$ -	\$ 635.59	\$ 130.00	\$ 26,858.68	\$ 2,257.44	\$ 29,116.12	\$ -	\$ 10,785.65	\$ 18,330.47	\$ 23,194.06
Shemwell, Robert	11/05/2008	\$ 26,093.09	\$ 992.14	\$ 1,284.72	\$ 65.00	\$ 28,434.95	\$ 2,402.50	\$ 30,837.45	\$ -	\$ 41,126.56	\$ (10,289.11)	\$ (13,019.11)
Volner, William	11/05/2008	\$ 26,093.09	\$ 1,591.58	\$ 1,670.27	\$ 195.00	\$ 29,549.94	\$ 2,515.68	\$ 32,065.62	\$ -	\$ 6,735.57	\$ 25,330.05	\$ 32,138.28
Williams, Michael R."Mickey"	11/05/2008	\$ 26,093.09	\$ 1,060.97	\$ 842.17	\$ 130.00	\$ 28,126.23	\$ 2,368.54	\$ 30,494.77	\$ -	\$ 66,053.74	\$ (35,558.97)	\$ (44,993.79)
Gossett, Tracey	03/28/2009	\$ 29,831.94	\$ 1,450.52	\$ 1,730.73	\$ 152.50	\$ 33,165.70	\$ 3,068.68	\$ 36,234.37	\$ -	\$ 43,061.51	\$ (6,827.14)	\$ (7,776.91)
Benjamin, Dennis Retired (2-01-08)		\$ 19,014.11	\$ 1,023.67	\$ 954.51	\$ -	\$ 20,992.30	\$ 938.50	\$ 21,930.80	\$ -	\$ -	\$ 21,930.80	\$ 28,436.71
*Borgers, Richard		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
*Bouchillon, Jerry		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
*Fittes, Ronald G.		\$ 45,649.05	\$ 3,533.12	\$ 2,654.42	\$ 282.50	\$ 52,119.10	\$ 6,745.50	\$ 58,864.59	\$ -	\$ 103,944.48	\$ (45,079.89)	\$ (45,624.55)
*Gwyn, Jerry L.		\$ 45,649.05	\$ 3,305.11	\$ 2,170.81	\$ 347.50	\$ 51,472.48	\$ 6,679.64	\$ 58,152.12	\$ -	\$ 15,794.80	\$ 42,357.32	\$ 42,869.09
*Quinn, Gregory M.		\$ 45,649.04	\$ 3,533.12	\$ 2,681.17	\$ 347.50	\$ 52,210.83	\$ 6,753.60	\$ 58,964.43	\$ -	\$ 30,763.41	\$ 28,201.02	\$ 28,541.75
*Vaughn, Robert		\$ 45,649.05	\$ 3,533.12	\$ 2,672.55	\$ 217.50	\$ 52,072.22	\$ 6,733.78	\$ 58,806.00	\$ -	\$ 13,054.91	\$ 45,751.09	\$ 46,303.86
*Webb, Jerry W.		\$ 44,959.59	\$ 3,481.41	\$ 2,583.41	\$ 347.50	\$ 51,371.92	\$ 6,913.52	\$ 58,285.44	\$ -	\$ 48,629.00	\$ 9,656.44	\$ 9,906.45
*Wilson, Scott		\$ 43,925.40	\$ 3,403.84	\$ 2,785.34	\$ 252.50	\$ 50,367.09	\$ 6,422.08	\$ 56,789.17	\$ -	\$ 4,643.26	\$ 52,145.91	\$ 53,748.00
								\$ 976,164.73			\$ 402,771.91	\$ 470,172.86

\* Officers with 2010 Back-Pay Differences Included